

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Michael Glenn,	:	
	:	Case No. 1:22-cv-202
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Adopting Reports and
C/O Basham, <i>et al.</i> ,	:	Recommendations
	:	
Defendants.	:	
	:	

Plaintiff Michael Glenn filed this case against two corrections officers and the warden of the prison in which he is currently incarcerated. He alleges that one corrections officer, Tim Basham, violated the Eighth Amendment by using OC spray without any reason. Plaintiff has filed four pending motions in this case (Docs. 9, 10, 11, and 20), and Basham has filed a motion to dismiss. (Doc. 15.) Magistrate Judge Karen L. Litkovitz has issued three Reports and Recommendations in this case (Docs. 6, 24, and 25), and the deadline to file objections has passed without any objections being filed.

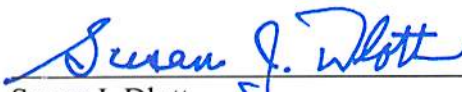
Magistrate Judge Litkovitz issued a Report and Recommendation pursuant to the screening standards set forth in 28 U.S.C. § 1915(e)(2)(B) for complaints filed *in forma pauperis*. (Doc. 6.) She recommended dismissing the Plaintiff's claims except for his Eighth Amendment claim against Basham. (*Id.* at PageID 40.) Judge Litkovitz issued a second Report and Recommendation recommending that Plaintiff's motions for transfer to a different prison and other preliminary injunctive relief be denied. (Doc. 24.) Finally, Judge Litkovitz issued a third Report and Recommendation recommending that, to the extent that Glenn's Complaint can be understood as suing Basham in his official capacity, that claim be dismissed. (Doc. 25.)

However, she recommended that Glenn's claim against Basham in his personal capacity be allowed to proceed.

No objections to any of the Reports and Recommendations have been filed and the time to do so has expired. Accordingly, the Court hereby **ADOPTS** and **AFFIRMS** the Magistrate Judge's Reports and Recommendations. Plaintiff's claims are dismissed, except for his Eighth Amendment claim against Basham for the use of OC spray. To the extent that Plaintiff's Complaint is understood as suing Basham in his official capacity, that claim is dismissed, but Plaintiff's claim against Basham in his personal capacity may proceed. Plaintiff's requests for injunctive relief are denied.¹ The Court **CERTIFIES** that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of the dismissal of all but the Eighth Amendment claim could not be taken in good faith.

IT IS SO ORDERED.

BY THE COURT:



Susan J. Dlott
United States District Judge

¹ To the extent that Plaintiff wishes to bring claims against prison officials for retaliation, he must either move to amend his Complaint or file a new suit against the proper parties. If Plaintiff wishes to seek a preliminary injunction, he must support his motion via evidence, such as records or affidavits.